



November 1, 2007

[Handwritten signature]

USPTO
Commissioner for Patents
PO Box 1450
Alexandria, Va. 22313-1450
Attn: Examiner Lien T. Tran
Ref: App. No. 10/777,671

Dear Examiner:

My time is nearing expiration and I have tried repeatedly, over and over again, to reach you by telephone at the number you supplied (571-272-1408). The number always stays solid busy. I have several questions to discuss with you and needed desperately to contact you.

I have followed up with an attorney that the USPTO suggested but he was of no help and basically clueless on how to attain a patent for food items.

I am enclosing the appropriate fee "1.17 (a)(1) - Patent Extension of Time Fee - \$ 60.00 small entity - Extension for Response within First Month).

To the best of my knowledge the Claim I submitted was very clear and understandable and the drawing figures were labeled correctly.

Even though you have identified some problem areas in your response, could you copy all of the material (including drawings) you may have in my application and send me a copy to ensure accurate examination and correction on my behalf. In doing so this would ensure that there is no mistake in what you are looking at and what I have submitted (now several years ago) are the same.

You have my full cooperation and I am more than happy to supply, rearrange, or redefine any of the material I submitted to aid you in your examination and understanding of the pending patent.

I am looking forward to hearing from you.

Sincerely,

John Endicott
[Handwritten signature]
PO Box 214
Allen, Ky 41601
(606) 874-0800

11/13/2007 AAMHADI 00000004 10/77/671

01 FC:2251

60.00 OP



Office Action Summary

| | | |
|-----------------|------------------------|--|
| Application No. | Applicant(s) | |
| 10/777,671 | ENDICOTT, JOHNNY KEITH | |
| Examiner | Art Unit | |
| Lien T. Tran | 1761 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |